

THE OLYMPIAN

Low funding puts access to justice in jeopardy

Chris Wickham and Brett Buckley | Guest editorial • Published April 18, 2013

In Washington, we take great pride in our progressive leadership among all the other states. Yet, sadly, Washington is in last place – 50th among the 50 states – in the amount of money the state contributes to our trial courts.

The burden of funding our courts has fallen on local jurisdictions — the counties and cities that host courts. This, in spite of the fact that the courts handle many cases generated by the state. Civics classes have taught us that there are three branches of government, the legislative, the executive, and the judicial. All are co-equal; none is higher than the other. Yet, when it comes to funding state budgets that support the judicial branch of government, the judicial branch in Washington is last among equals, just as it is in last place nationally. The entire judicial branch receives only seven-tenths of 1 percent of the state operating budget. After years of working for adequate and stable funding for the trial courts, the Legislature to its credit responsibly began to take steps to adequately provide stable and adequate funding for the trial courts. Services, such as court interpreters, mandatory guardians ad litem for children in dependency cases, district and municipal court judges' salaries, parent dependency representation, criminal indigent defense, and civil legal services for the poor, among other costs, were partially funded.

When the economy began to backslide and we found ourselves in the Great Recession, the Legislature held fast and retained much of the progress it had achieved. Unfortunately, that progress is doomed to be eliminated if the Senate budget is adopted, which calls for a \$7.9 million reduction in the budget for the Administrative Office of the Courts (AOC), the state agency for the judicial branch which exists largely to support the trial courts. If this budget is adopted, it will result in a 31.2 percent overall cut to AOC this year alone — a cut to a branch of government that is greater than any executive branch agency has taken. If the Senate budget is passed, the cuts to the AOC budget will be a stunning 43 percent since 2009.

The cuts will have to come from direct services and pass-throughs, which are only 35 percent of AOC's budget. Why? Because the other 65 percent is protected by the state constitution or protected by legislative provisos.

Some of the pass-throughs threatened would be funding for supervisors for Court Appointed Special Advocates (CASA), community volunteers who serve as statutorily required guardians ad litem to represent the best interests of children who have been removed from their homes due to allegations of abuse or neglect. Not only would this hurt the children the program serves, but it would cost the state and counties far more because using CASA volunteers saves money by significantly leveraging public dollars.

Other pass-throughs in danger include court interpreters for those who cannot understand English and would not otherwise know what is happening in court; a contribution to the salaries of district and qualifying municipal court judges who handle cases involving state traffic and criminal statutes; and collection of legal financial obligations by the court clerks, who have collected millions of dollars benefiting state and local government.

A disproportionate share of the costs of our courts falls on the user. This creates an access-to-justice issue for those without the resources to pay filing fees.

Washington should not be in last place among the states for funding the state provides our trial courts. The people deserve efficient and effective trial courts — like education for our youth, justice should be a top priority in Washington. We ask the Legislature to treat a coequal branch of government fairly and maintain current funding for Washington's trial courts.

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